

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Private Aided Degree Colleges – High Court of A.P., Hyderabad orders dated 3-12-2008 in W.P.No.34156 of 1997 filed by the Correspondent, DNR College, Bhimavaram, W.G. District – Implementation of Court order – Payment of salary to Sri V.R.Upendra, retired Lecturer in Commerce, DNR College, Bhimavaram – Sanction – Orders – Issued.

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HIGHER EDUCATION (CE.II-1) DEPARTMENT.

G.O.Rt.No. 695

Dated:17-09-2010.

Read the following:-

1. G.O.Rt.No.1730 Education Dept., dated 3-12-1997.
2. From the High Court of Andhra Pradesh, Hyderabad, Judgment dated 28-3-07 in W.P.No.34156 of 1997.
3. Govt.Memo.No.4930/CE.II-1/2007-1, dated 4-5-2007.
4. Representation of Sri V.R. Upendra, P.G. Lecturer in Commerce, DNR College, Bhimavaram, W.G. District.
5. From the Hon'ble H.C. of A.P., Hyd., Interim orders dt.22-8-07 in W.P.M.P. No.1695/07 in W.P.No.34156/97.
6. Govt.Memo.No.4930/CE.II-1/2007-4, dated 21-9-2007.
7. From the C.C.E., A.P., Hyderabad, Letter.Rc.No.495/Admn.III-1/2007, dt.20-7-2007.
8. From the High Court of A.P., Hyderabad, orders dt.3-12-2008 in W.P.No.34156 of 1997.
9. From the CCE., A.P., Hyd., Lr.Rc.No.40/Admn.III-1/09, dt.5-5-10

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**ORDER:-**

In the G.O. first read above, orders were issued setting aside the appeal petition filed by the management of DNR College, Bhimavaram by upholding the orders of the Regional Joint Director of Higher Education Rajahmundry.

2. Aggrieved by the orders, the Correspondent, DNR College, Bhimavaram, filed W.P.No.34156 of 1997 seeking directions to quash the orders issued by Government and also Proceedings of the Regional Joint Director of Higher Education, Rajahmundry Rc.No.1370/B3/89, dated 1-6-1991, as deem fit in the circumstances of the case.

3. The Hon'ble High Court in its order dated 3-12-2008 in W.P.No.34156 of 1997 filed by the Correspondent, DNR College, Bhimavaram, West Godavari District while disposing the W.P., among other things held that:-

"In my considered view, respondent No.2 (i.e., Regional Joint Director of Higher Education, Rajahmundry, East Godavari District) committed serious error in giving this direction. Even though the post was converted in to part-time post, even according to respondent No.2, respondent No.3 has worked on par with a full time lecturer. The full time post in which respondent No.3 was appointed was a grant-in-aid post. The fact that respondent No.3 devoted his full time on the employment itself shows that even though he has intended to carry on private practice as Chartered Accountant, he has evidently not done that. The very purpose of sanctioning grant-in-aid is to ensure that the teaching staff, who are engaged in the teaching activities in the aided colleges, are paid the prescribed salaries. When the services of respondent No.3 have been utilized by the petitioner college for imparting education to its students, I do not find any rationale in respondent No.2 to direct that the salaries payable to respondent No.3 should be paid only from out of the management funds, when admittedly respondent No.3 worked as a full time lecturer even after conversion. The tenor of the order of respondent No.2 only suggests that he obviously wanted to mete out punishment to the management of the petitioner college for the unlawful termination of respondent No.3. Such a power is not inhered in respondent No.2.

**P.T.O.**

When once the order of termination is set aside and the purported conversion is held to be illegal, the logical conclusion that should follow is that respondent No.3 should be treated as a regular lecturer working in the grant-in-aid post. It is not the case of respondent No.2 that after conversion, the grant-in-aid post held by respondent No.3 was abolished. In the face of the above mentioned facts, I am of the view that the order of respondent No.2 to the extent that he directed that the salaries payable to respondent No.3 shall be met from out of the petitioner's own funds can not be sustained in Law. Accordingly, that part of the order is quashed.

As regards the direction to the petitioner-college to refund the sum of Rs.1.42,521.45 ps., if the said amount was already paid to respondent No.3, the same shall be adjusted towards the salary which is payable to him. If the said sum is not paid, the petitioner shall pay the said sum to respondent No.3 towards the salary payable to him.

As regards the period subsequent to passing of the order by respondent No.2, there can be no difficulty because, admittedly, respondent No.3 continued to work as a full time lecturer. Even though the petitioner has not called for the option from respondent No.3, in view of filing of appeal by it and pendency of this Writ Petition, the fact remains that respondent No.3 worked as a full time lecturer and discharged his duties as such till his retirement. Therefore, he is entitled to receive the salaries, which a full time lecturer worked in a grant-in-aid post is entitled to receive from 1-1-1986 till the date of his retirement."

4. The matter has been examined keeping in view the judgment of Hon'ble High Court above and in consultation Commissioner of Collegiate Education, A.P., Hyderabad.

5. The Government after careful examination of the matter hereby sanction the salary for the period from 1-11-1986 to 31-5-2001 in respect of Sri V.R.Upendra, retired Lecturer, DNR College, Bhimavaram, West Godavari District for an amount of Rs.15,93,400/- (Rupees fifteen lakhs ninety three thousand and four hundred only) and be paid as full and final settlement to the petitioner.

6. The expenditure sanctioned in para (5) above shall be met from the B.E., provision 2010-11.

7. The Commissioner of Collegiate Education, A.P., Hyderabad shall take action accordingly.

8. This order issues with the concurrence of Finance (Expr.HE) Dept., vide their U.O.No.21978/586/Expr.HE/10, dated 12-08-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

The individual "thro" Commissioner of Collegiate Education, A.P., Hyderabad.

The Accountant General, (A&E) A.P., Hyderabad.

The District Treasury Officer, East Godavari District.

The Correspondent, DNR College, Bhimavaram, West Godavari District.

Copy to:

Finance (Expr.HE) Department.

P.S. to Minister (HE)

P.S. to Principal Secretary (HE)

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.